

REMARKS

Claim Rejections – 35 U.S.C. §102

Claims 1-17 stand rejected under 35 U.S.C. §102(b) as being anticipated by Shane (U.S. Patent No. 5,793,972).

Directing Examiner's attention to MPEP 2131, the threshold issue under Section 102 is whether the Examiner has established a *prima facie* case for anticipation. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)". "The identical invention must be shown in as complete detail as is contained in the ...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1566 (Fed. Cir. 1989).

Claim 1 defines a technical architecture for allowing a client to upload content to a central server, for the server to generate and transmit messages with links to recipient contacts, to build content according to the responses from the recipients and send it to them. It also provides interfacing by way of a message generated by an external messaging application by virtue of parsing, and generating a message having a wrapper with links to content according to the parsing. This combination of technical features allows a remote client to have marketing messages with tailored content sent to desired contacts without high bandwidth requirement, and automated interfacing with messages generated by a separate messaging application such as the conventional email application on the PC of many client users. By virtue of the invention, this functionality is provided to the client without the client requiring anything more than a conventional PC with a conventional e-mail application.

Applicant respectfully submits that Shane fails to disclose each and every element of the invention of Claim 1. The invention of Claim 1 provides a platform for clients to upload content to be sent to the contacts. It is therefore a convenient and powerful tool for clients, without the client needing to host the software themselves. On the other hand, Shane merely describes the sending of emails with links to web sites hosted by the organization operating the system. Fig. 2 of Shane shows how a message gives a link to a personalized web page, which, as shown in Fig. 3, is really only a route to the web sites of the organization (“Planes, Trains, and Automobiles”). In other words, Shane merely generates messages to guide a recipient into accessing web pages as desired by the organization hosting the system. There is no teaching or suggestion of the server providing a mechanism for distribution of client’s content to contacts uploaded by the client.

Furthermore, the invention of Claim 1 provides automatic interfacing with a user by means of an external messaging application. There is no need in Shane for interfacing with a client user because, as set out above, the content is not provided by a client. Claim 1 recites parsing of a received message and generating a message having a wrapper with links to content according to the parsing. In Shane, the passages of Col. 5, lines 51-62 cited by Examiner do not concern interfacing with a user messaging application, but rather how the server operates upon receipt of an HTML link of a responding recipient. Shane does not even describe distribution of a client’s content, but rather routing of a recipient (indicated in a list from a mail broker) to a desired Web page hosted by the server.

Applicant respectfully submits that Shane fails to teach each and every element of Claim 1. Therefore, Claim 1 is not anticipated by Shane.

Since Claims 2-12 and 14 depend from Claim 1, Applicant respectfully submits that they are also patentable as they contain the same limitations as their parent claim.

Claim 13 has been canceled and its subject matter has been added to Claim 1.

Claim 15 includes the steps of a user uploading both content and contact (recipient) data, and the system using profile attributes to generate a message. As set out above, Shane does not disclose or suggest a client user uploading content and contact data, much less a system using profile attributes to generate messages with links to selected content. Shane teaches the use of messages to route a recipient to a static general web site for advertising. Effectively, the web sites are static and the Shane disclosure is a mechanism to prompt recipients to access the static web sites for advertising purposes.

On the other hand, the invention of Claim 15 provides a technical platform for a client user to control content on a per-recipient basis, to control messaging to selected contacts so that they have access to the particular content, and to achieve this with a large degree of automation by virtue of the profile attributes coupling the uploaded contacts and content, all without needing to host a server themselves. Therefore, the invention of Claim 15 provides a general server which can be hosted by a service organization, and yet which can be operated by multiple clients as if it were a dedicated tool for each client.

Applicant respectfully submits that Shane fails to teach each and every element of Claim 15. Therefore, Claim 15 is not anticipated by Shane.

Since Claims 16 and 17 depend from Claim 15, Applicant respectfully submits that they are also patentable as they contain the same limitations as their parent claim.

Therefore, Applicant respectfully submits that Claims 1-12 and 14-17 are currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

If the Examiner has any questions regarding this application, the Examiner may telephone the undersigned at 775-586-9500.

Respectfully submitted,
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A handwritten signature in black ink, appearing to read 'J. Hanish', written over a horizontal line.

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